

Effective March 17, 2012

Funeral Director & Embalmers Final Rule Changes Reviewed 2/8/2012 & Filed 2/16/2012

RULE I DEFINITIONS

24. **FINAL DISPOSITION.** Final Disposition is defined as earth interment, above ground entombment, delivery directly, or through a licensed transportation service to a crematory for a cremation, delivery directly, or through a licensed transportation service to the proper agency for burial at sea, or delivery directly, or through a licensed transportation service to a medical institution for lawful dissection and experimentation.

44. **MANAGER.** Manager oversees the day to day operations of a licensed funeral establishment. Managers must be a current licensed funeral director and is ultimately responsible for everything that takes place in or around the funeral home or mortuary service. This would also include apprentices and other licensees that work at the establishment.

45. **AUTHORITY HAVING JURISDICTION OR "AHJ".** Means the individual or office in this or another state that has authority to release dead human bodies for final disposition.

RULE II LICENSEE IN CHARGE OF FUNERAL DIRECTING AND EMBALMING

1. Every funeral conducted within the State of Arkansas must be under the personal supervision, direction, and charge of a funeral director who holds a valid license from this Board. To conduct a funeral shall require the direct personal supervision of a licensed funeral director until final disposition is completed. In the case of earth interment and above ground entombment, the licensee shall be onsite supervising all matters until completion of the earth interment or above ground entombment except when the authorizing agent has contracted with the cemetery either private, commercial, or governmental to carry out these procedures. In those cases, the licensee shall be on site supervising all matters until the conclusion of the funeral service only.

2. ...

RULE IV FUNERAL ESTABLISHMENTS

1. Four types of funeral establishment licenses shall be issued by the Board. These establishment licenses shall be named as follows:

- (a) Funeral Establishment Type A-Full Service Funeral Firm.
- (b) Funeral Establishment Type B-Mortuary Service Firm
- (c) Funeral Establishment Type C-Crematory
- (d) Funeral Establishment Type D-Transport Service Firm

(1) All establishment renewals are due and payable on or before December 31st.

2. FUNERAL ESTABLISHMENT TYPE A-FULL SERVICE FUNERAL FIRMS

(a)

(6) When an establishment closes, the Board shall be notified in writing, within seven (7) days of the date of closure; and license in force at the time of closure shall be returned to the

Effective March 17, 2012

Board office. If an establishment license is revoked, that license must be returned to the Board office within seven (7) days of receipt of the Board's order.

(c)

(1) Renewal of all funeral establishment licenses Type A must be made on or before December 31st of each year and must be accompanied by the annual renewal fee of one hundred and fifty (\$150.00) dollars.

(2) Licenses not renewed by December 31st of any year shall be considered delinquent and may be grounds for disciplinary action by the Board.

(d) Each Funeral Establishment using an available embalmer must file with the Board a statement signed by the embalmer, notarized, stating that his services are available to said establishment at all times within a reasonable time after death occurs, not to exceed six (6) hours.

(e) ...

3. FUNERAL ESTABLISHMENT TYPE B- MORTUARY SERVICE FIRMS

(a)

(5) When a mortuary service firm closes, the Board shall be notified in writing, within seven (7) days of the date of closure; and the license in force at the time of closure shall be returned to the Board office. If an establishment license is revoked, that license must be returned to the Board office within 7 days of receipt of the Board's order.

(c)

(1) Renewal of all mortuary service firms licenses Type B must be made on or before December 31st of each year and must be accompanied by the annual renewal fee of one hundred and fifty (\$150.00) dollars.

(2) Licenses not renewed by December 31st of any year shall be considered delinquent and may be grounds for disciplinary action by the Board.

(d) ...

4. FUNERAL ESTABLISHMENT TYPE C- CREMATORY

(A)

5. When a crematory closes, the Board shall be notified in writing, within seven (7) days of the date of closure; and the license in force at the time of closure shall be returned to the Board office. If a crematory license is revoked, the license must be returned to the Board office within 7 days of receipt of the Board's order.

6. ...

8. All crematory licenses must be renewed on or before December 31st of each year. Renewal license fees, as established by the Board, must accompany each original and renewal application.

9. All renewals received after December 31st of each year are considered delinquent. The Board may impose delinquent fees and/or or a crematory authority that is delinquent in its renewal to cease operation until a renewal card has been issued by the Board.

10. ...

B. AUTHORIZATION AND RECORD KEEPING

1.

a. ...

(d.) Cremation Final Disposition Rights Form or a representation that the authorizing is aware of no objection to the human remains being cremated by any person who has a right to control the disposition of the human remains; and
(e.)...

b. A completed and executed burial transit permit or other disposition authorization signed by the authority having jurisdiction to authorize final disposition of a dead human body, as provided in the laws of the state or territory where death occurred, indicating that the human remains are to be cremated, and;

c. A death certificate, fetal death certificate, or other disposition authorization signed by the authority having jurisdiction to authorize final disposition of a dead human body in the state, territory, or country where death occurred.

5. FUNERAL ESTABLISHMENTS TYPE D – TRANSPORT SERVICE FIRM

C. ...When a transport service firms is closed, the Board shall be notified in writing, within seven (7) days of closure, and the license in force at the time of closure shall be returned to the Board office. If a transport license is revoked, that license shall be returned to the Board office within seven (7) days of receipt of the Board's order.

E. Transport service firm licenses and renewal licenses shall be issued under this section upon application, receipt of proof of required insurance, and after approval of the board. All transport licenses must be renewed on or before December 31st.

1. ...

2. Renewal of all transport service firm licenses must be made on or before December 31st of each year and must be accompanied by the annual renewal fee.

3. Licenses not renewed by December 31st of any year shall be considered delinquent and may be grounds for disciplinary action by the Board.

RULE IX LICENSE RENEWALS AND REINSTATEMENTS

1. (a) All embalmer and funeral director licenses issued by this Board shall expire on December 31st of each year, and must be renewed on or before December 31st.

(b) All establishment licenses expire on December 31st of each year, and must be renewed on or before December 31st.

(c) ...

Effective March 17, 2012

(d) Every licensed embalmer and/or funeral director who is actively engaged in the practice of embalming and/or funeral directing in Arkansas shall report 6 hours of approved continuing education on the renewal form.

(e) ...

2. All renewals received after December 31st of each year are considered delinquent, and certificate holders are not allowed to practice the science of embalming or the business of funeral directing, until a renewal card has been issued for the current year. A delinquent fee of fifty (\$50.00) dollars for each three (3) months, or fraction thereof, with a maximum of two (2) years must be remitted with a renewal fee of two (2) years, which will include the year renewed. Any person in arrears more than three (3) years must appear before the Board at regular meeting.

3. ...

RULE XIV FUNERAL SERVICE PRACTICES

1. Authorization shall be obtained from the authorizing agent who will be responsible for the post death arrangements before removal of any body from the place of death, provided, however, that removal may be made without authorization where human dignity or the avoidance of a public nuisance requires. Such removal without authorization shall be made only pending required authorization from the authorizing agent when it can be obtained. If the funeral firm which has custody of the remains, is not the one selected to provide funeral services such firm shall release the body to the funeral firm selected by the authorizing agent(s). The receiving funeral firm or authorizing agent(s) shall be responsible for the costs of services provided by the initial funeral firm. The cost of the provided services shall not exceed the prices for those services as listed on the initial funeral firms General Price List. Payment of those costs shall be payable at the time of removal. If the initial removal was at the request of a public official, costs incurred in the removal, shelter, and temporary care of the body shall be paid by such public officials.

RULE XVII INSPECTIONS

1. Inspector shall inspect Type A, B, C, and D establishments for their initial first inspections for a fee of two hundred fifty (\$250.00) dollars

2. Re-inspections that required due to changes, such as an addition of an embalming prep room or a location change will result in an inspection fee of one hundred (\$100.00) dollars

3. Inspector shall inspect all Type A, B, C, and D establishments randomly throughout the year during normal business hours. Inspector should be allowed to enter within a reasonable amount of time not to exceed one (1) hour.

(a) If inspection is unsuccessful due to lack of cooperation of the establishment license holders this will result in an inspection penalty fee of one hundred (\$100.00) per hour after the initial hour. Maximum wait shall be seven (7) hours or seven hundred (\$700.00) dollars for each day of occurrence.